

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Carlo Liberale et al. § Group Art Unit: 3753
§
Application No.: 10/586,205 § Confirmation No.: 4778
§
Filed: July 13, 2006 § Examiner: Schneider, Craig M.
§
For: ACTUATOR FOR THE § Atty. Docket: CMRN:0006/SWA/SIN
ACTUATION OF SUBMARINE CCV/Dresser 030957US
DEVICES §

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
June 3, 2010 Date	/Tait R. Swanson/ Tait R. Swanson Reg. No. 48,226

**DECLARATION OF MANISH VYAS IN SUPPORT OF
APPLICANT'S PETITION UNDER 37 C.F.R. § 1.181(a) TO
WITHDRAW HOLDING OF ABANDONMENT**

I, Manish Vyas, a citizen of the United States of America, declare that:

1. All statements herein made of my own knowledge are true and that all statements herein made on information and belief are believed to be true and, further, that these statements are made with the knowledge that willful false statements, and the like, are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of any patent issuing on the above-identified patent application.

2. I make this declaration in support of the Applicants' Renewed Petition Under 37 C.F.R. § 1.181(a) to Withdraw the Holding of Abandonment.

3. I am employed by Cameron International Corporation (hereinafter "Cameron"), where my current position is Managing Attorney, Patent Services. I have been in that position since 2005. I am licensed to practice law in the state of Texas. I am also licensed to practice before the United States Patent and Trademark Office (hereinafter "USPTO"). My USPTO registration number is 54,516.

4. Cameron's docketing system includes application numbers, attorney docket numbers, mailing dates of Office Actions, and due dates for Responses. In particular, each Office Action that is received at Cameron is docketed in Cameron's docketing system. An individual docket sheet for each patent application and an attorney docket report for all patent-related action items may be generated from Cameron's docketing system.

5. Cameron received a mailing, at the correspondence address of record, of a Notice of Abandonment mailed on August 6, 2009, indicating abandonment due to Applicants' failure to reply to an Office Action mailed on October 31, 2008.

6. Cameron did not receive, at the correspondence address of record, the Office Action mailed on October 31, 2008. More specifically, a review of Cameron's docketing system and my records confirms that Cameron did not receive a mailing, at the correspondence address of record, of the Office Action mailed on October 31, 2008.

7. A copy of the bibliographic data for the above-referenced application, as obtained from PAIR, is included as Exhibit A. As indicated in Exhibit A, the document description indicates "Mail returned to USPTO as undelivered" on a mailroom date of November 7, 2008.

8. A copy of the returned Office Action is included as Exhibit B. As indicated in Exhibit B, the Office Action was stamped by Shell Oil Company on November 3, 2008, and was subsequently stamped by the USPTO Mail Center on November 7, 2008. The correspondence address of record for the above-referenced application in the USPTO on October 31, 2008 (when the Office Action in question was mailed) was, and still is, Fletcher Yoder (Cameron International Corporation), P.O. Box 1212, Houston, Texas, 77251.

9. Cameron maintains an individual docket sheet for each patent application. A copy of the individual docket sheet for the above-referenced application is included as Exhibit C. As indicated in Exhibit C, the individual docket sheet for the above-referenced application is missing an entry for the Office Action mailed on October 31, 2008, indicating non-receipt of the Office Action mailed on October 31, 2008. More specifically, between the October 31, 2008 mailing date of the Office Action and the August 6, 2009 mailing date of the Notice of Abandonment, no correspondences between the USPTO and Cameron are indicated in the Cameron docketing system. For example, as indicated toward the bottom of the individual docket sheet, there was no activity between the October 27, 2008 forwarding of the Notice of Publication for the above-referenced application, and the June 15, 2009 entry relating to a telephone call that appears to be unrelated to prosecution. In addition, the next subsequent entry relates to the August 6, 2009 receipt of the Notice of Abandonment. If the subject Office Action had been received by Cameron, it would have been listed in the individual docket sheet between the October 27, 2008 and August 6, 2009 entries.

10. Cameron also maintains an attorney docket report for all patent-related action item due dates. A copy of the attorney docket report printed out on January 16, 2009 is included as Exhibit D. Exhibit D represents the attorney docket report that was printed out closest to the due date (January 31, 2009) of the Office Action mailed on

October 31, 2008. This report is believed to show "all replies docketed for a date three months from the mail date of the nonreceived Office action." *See* M.P.E.P. § 711.03(c)(I). As indicated in Exhibit D, no action item due date for January 31, 2009 was docketed for the above-referenced application on January 16, 2009, indicating non-receipt of the Office Action mailed on October 31, 2008. Indeed, no action items at all are shown in the attorney docket report for the above-referenced patent application (i.e., Docket Number 030957). If the subject Office Action had been received by Cameron, it would have been docketed and listed in the attorney docket report. More specifically, a response due date for the Office Action would have been listed for January 31, 2009.

11. Based on the information presented in Exhibits A, B, C, and D, I declare that the Office Action mailed on October 31, 2008 was, to a high degree of certainty, not received at the correspondence address of record. In addition, a search of Cameron's docketing system (e.g., the individual docket sheet of Exhibit C and the attorney docket report of Exhibit D) indicates that the Office Action mailed on October 31, 2008 was not received. In particular, the individual docket sheet of Exhibit C and the attorney docket report of Exhibit D represent the docketing records where the Office Action mailed on October 31, 2008 would have been entered had it been received.

Respectfully submitted,

Date: _____



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